

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
CIVIL ACTION

HEALTHGUARD OF LANCASTER, INC.,	:	
HealthGuard	:	
	:	
v.	:	
	:	
MARK GARTENBERG;	:	No. 02-CV-2611
STEVEN GARTENBERG;	:	
MARK TISCHLER;	:	
GREENFIELD SPORTS MEDICINE	:	
& REHAB, P.C.;	:	
PREMIER SPORTS MEDICINE	:	
& REHAB CENTER, P.C. and	:	
MAIN LINE MEDICAL SERVICES, INC.	:	
Defendants	:	

ORDER

AND NOW, this _____ day of _____, 2003, upon consideration of Defendants' Motion and supporting Brief and HealthGuard's Answer and opposing Brief, the Motion is hereby Denied.

By the Court

J.

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HealthGuard	:	
	:	
v.	:	
	:	
MARK GARTENBERG;	:	No. 02-CV-2611
STEVEN GARTENBERG;	:	
MARK TISCHLER;	:	
GREENFIELD SPORTS MEDICINE	:	
& REHAB, P.C.;	:	
PREMIER SPORTS MEDICINE	:	
& REHAB CENTER, P.C. and	:	
MAIN LINE MEDICAL SERVICES, INC.	:	
Defendants	:	

**PLAINTIFF HEALTHGUARD OF LANCASTER, INC.'S ANSWER TO
DEFENDANTS' JOINT MOTION FOR SUMMARY JUDGMENT**

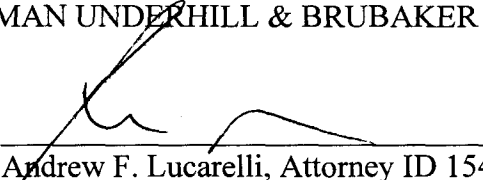
Plaintiff HealthGuard of Lancaster, Inc. ("HealthGuard"), through its undersigned counsel, respectfully requests that Defendants Motion for Summary Judgment be Denied. HealthGuard's accompanying Brief, affidavits, and Rico Case Statement provide detailed factual support indicating that Defendants participated in a scheme by which fraudulent insurance claims were submitted, via U.S. mail, to HealthGuard and other insurers for services that were either not performed by physicians, not performed properly, not performed at all, or were not medically necessary or appropriate. As a result, HealthGuard has set forth specific evidence of Defendants' scheme to defraud, and specific predicate acts committed in furtherance of that scheme, which constitute a continuing pattern of racketeering activity under 18 U.S.C. § 1961 *et seq.*

WHEREFORE, Plaintiff HealthGuard of Lancaster, Inc. respectfully requests that Defendants' Joint Motion for Summary Judgment be Denied.

Respectfully submitted,

HARTMAN UNDERHILL & BRUBAKER LLP

By:



Andrew F. Lucarelli, Attorney ID 15421
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(717) 299-7254

Date: 10/31/03

CERTIFICATE OF SERVICE

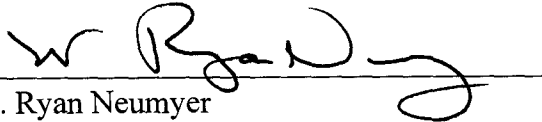
I HEREBY CERTIFY that I am this day serving the foregoing Plaintiff HealthGuard of Lancaster, Inc.'s Answer to Defendants' Joint Motion for Summary Judgment upon the person and in the manner indicated below:

Service by First Class Mail, addressed as follows:

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